

**RESOLUTION PROPOSING AMENDMENT TO
THE CHARTER OF THE CITY OF MADISON HEIGHTS**

The following Resolution was offered by the City of Madison Heights' City Council Member _____,

(Name)

and seconded by Council Member _____,

(Name)

which Motion was adopted according to the following vote:

Yeas:

Nays:

**BY VIRTUE OF THE FOREGOING VOTE, THE CITY COUNCIL OF THE CITY
OF MADISON HEIGHTS ADOPTS THE FOLLOWING RESOLUTION:**

WITNESSETH:

WHEREAS, the City of Madison Heights is a Michigan municipal corporation, duly and legally incorporated as a Home-Rule City, pursuant the provisions of 1909 Public Act 279, being specifically Michigan Compiled Laws (MCL) 117.1, et seq.; and,

WHEREAS, the Charter of the City of Madison Heights was adopted by a vote of the electors on December 6, 1955; and,

WHEREAS, Chapter 5, Section 5.7(a) of the City Charter, titled "Filing Vacancies in Elective Officers, states as follows:

Section 5.7(a)-Filing Vacancies in Elective Offices.

(a) Any vacancy which occurs in the office of Mayor shall be filled by appointment from one of the remaining Council Members by a majority vote of the remaining Council Members. Such appointment shall be made on or before sixty (60) days after the vacancy occurs, and shall be for the balance of the unexpired term. Any vacancy which occurs in the office of Council Member shall be filled by the Council at the next regular meeting of the Council after the vacancy occurs, from the unsuccessful candidates for Council at the last preceding regular City election who were nominated and obtained the next highest vote therefore. Such appointment shall be until the next succeeding regular election, at which time such vacancy shall be provided in Chapter 4 of this Charter for any balance of the unexpired original term. In the event there are no unsuccessful candidates for Council at the last preceding regular City election who were nominated and obtained the next highest vote therefore, Council shall by majority vote appoint a City resident to fill said vacancy. Such appointment shall be made on or before sixty (60) days after the vacancy occurs and shall be until the next succeeding regular election, at which time such vacancy shall be filled as provided in Chapter 4 of this Charter for any balance of the unexpired original term. The appointee shall be subject to

the eligibility requirements for Council contained in the Charter, as amended by applicable State law.

(Amended September 12, 1961; Amended November 6, 1985; Election of November 2, 2004)

WHEREAS, the foregoing Charter section currently requires a council vote to fill the office of Mayor upon the vacancy of the mayor's office, instead of providing for the immediate and automatic appointment of the Mayor Pro Tem to the office of Mayor;

WHEREAS, the foregoing Charter section corrects the omission of not defining the word "nominated" and the omission of not defining every succeeding regular election as a succeeding regular city election;

NOW, THEREFORE, BE IT RESOLVED, that Chapter 5, Section 5.7(a) of the City Charter, titled "Filing Vacancies in Elected Offices," should be amended, in pertinent part, to state as follows:

Section 5.7(a) Filing Vacancies in Elective Offices

(a) Any vacancy which occurs in the office of Mayor shall be filled by appointment of the Mayor Pro Tem. Such appointment shall be made by Council at the next regular meeting of Council. The vacancy created in the office of Mayor Pro Tem, resulting such appointment, shall be filled by Council designating the City Council member, receiving the second highest number of votes at the last regular city election, as Mayor Pro Tem. Such appointment shall be made by Council at the next regular meeting of Council, following the appointment of the Mayor. The appointed Mayor and Mayor Pro Tem shall serve in that capacity until the next regular city election. Any vacancy which occurs in the office of Council Member shall be filled by the Council at the next regular meeting of the Council after the vacancy occurs, from the unsuccessful candidates for Council at the last preceding regular City election who were nominated and obtained the next highest vote therefore. Such appointment shall be until the next succeeding regular City election, at which time such vacancy shall be provided in Chapter 4 of this Charter for any balance of the unexpired original term. In the event there are no unsuccessful candidates for Council at the last preceding regular City election who were nominated and obtained the next highest vote therefore, Council shall by majority vote appoint a City resident to fill said vacancy. Such appointment shall be made on or before sixty (60) days after the vacancy occurs and shall be until the next succeeding regular City election, at which time such vacancy shall be filled as provided in Chapter 4 of this Charter for any balance of the unexpired original term. The appointee shall be subject to the eligibility requirements for Council contained in the Charter, as amended by applicable State law.

BE IT FURTHER RESOLVED that all other sections in Chapter 5, Section 5.7(a), not otherwise amended herein, shall remain in full force and effect; and,

BE IT FURTHER RESOLVED that said Charter Proposition shall be submitted to the voters for approval shall be as follows:

STATEMENT OF PURPOSE

Proposed Amendment to Section 5.7(a) of the City Charter (Filing Vacancies in Elective Offices)

The proposed amendment states that Council shall appoint the Mayor Pro Tem as Mayor in the event there is a vacancy in the office of Mayor; that Council shall appoint the City Council member, receiving the second highest number of votes at the last preceding regular City election, as Mayor Pro Tem; and defines every succeeding regular election as a succeeding regular city election;

BALLOT QUESTION

Shall the proposed amendment to Section 5.7(a) be adopted?

☐ Yes.

☐ No.

BE IT FURTHER RESOLVED, that this amendment shall be submitted to the Governor of the State of Michigan for approval in accordance with the statutes pertaining to Charter Amendments; and,

BE IT FURTHER RESOLVED, that said Charter Amendment be submitted to the electors of the City of Madison Heights for a vote of approval at the election to be held on November 7, 2023; and,

BE IT FURTHER RESOLVED, that the Clerk of the City of Madison Heights is hereby authorized and directed to cause the notice of submission of said Charter Amendment proposition to be posted and published as a part of the notice of said election in the manner required by law.